

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS INC. and NCR CORP.,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE A. WHITING PAPER CO., et al.,

Defendants.

ORDER

Twelve of the so-called *de minimis* Defendants in this consolidated action have filed a motion seeking entry of judgment on the basis of this Court's December 16, 2009 Decision and Order. (Dkt. # 796.) Although these Defendants had not moved for summary judgment, they believe this Court's decision at least implicitly barred any recovery against these Defendants by the Plaintiffs, and they now seek a grant of summary judgment to confirm their belief that they are entitled to judgment on the same terms as the moving Defendants. Eleven of the *de minimis* Defendants also note, and Plaintiffs concede, that this Court's entry of a consent decree in a related action bars Plaintiffs from recovering against them as well.

The Defendants are correct, and there is no real dispute, that the December 16, 2009 Decision and Order applies with equal force to them. For the reasons stated in that Decision and Order, as well as the entry of the consent decree, the *de minimis* Defendants are entitled to summary judgment. I note that Plaintiffs renew their request that this Court enter a partial judgment so as to

allow an immediate appeal, but for the reasons stated elsewhere I do not believe a partial judgment is appropriate at this time.

Accordingly, the motion (Dkt. # 796) is **GRANTED**. The moving Defendants are entitled to summary judgment for the reasons set forth in this Court's December 16, 2009 Decision and Order, and the consent decree bars recovery against all of the *de minimis* Defendants except for the City of De Pere, whose settlement is still pending.

SO ORDERED this 18th day of March, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge